

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF PENNSYLVANIA

AVOCET SHIPPING,LLC, :
BITTERN SHIPPING LLC, :
CANARY SHIPPING LLC, :
CRANE SHIPPING LLC, :
EGRET SHIPPING LLC, :
FALCON SHIPPING LLC, :
GREBE SHIPPING LLC, :
IBIS SHIPPING LLC, : 2:16-cv-000834
KINGFISHER SHIPPING LLC, :
MARTIN SHIPPING LLC, :
NIGHTHAWK SHIPPING LLC, :
SHRIKE SHIPPING LLC, :
THRUSH SHIPPING LLC, :
and WREN SHIPPING LLC :
:
Plaintiffs, :
:
- against - :
:
NAVIG8 BULK POOL INC. :
:
Defendant. :

AFFIDAVIT IN SUPPORT OF PRAYER FOR MARITIME ATTACHMENT

State of Pennsylvania)
) ss: Pittsburgh
County of Allegheny)

Glenn H. Gillette, Esquire, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and represent the Plaintiffs herein. I am familiar with the facts of this case and make this Affidavit in support of Plaintiffs' prayer for the issuance of a Writ of Maritime Attachment and Garnishment, pursuant to Rule B of the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure.

THE DEFENDANT IS NOT WITHIN THIS DISTRICT

2. I have attempted to locate the Defendant, Navig8 Bulk Pool Inc. ("Defendant"), within this District. As part of my investigation to locate the Defendant within this District, I checked all area codes in the telephone company information directory within the District, as well as the white and yellow pages for Pennsylvania listed on the Internet or World Wide Web, and did not find a listing for the Defendant. I also checked the Pennsylvania Department of State, Division of Corporations' online database which showed no listing or registration for the Defendant. I was also unable to find any information to indicate that the Defendant has a general or managing agent within the District.

3. I submit that Defendant cannot be found within this District within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims.

4. Upon information and belief, the Defendant has, or will have during the pendency of this action, tangible and intangible property within the District subject to the jurisdiction of this Court in the form of freight payments or other debts due and owing to the Defendant in the hands of US STEEL CORPORATION, which has a place of business in Pittsburgh, PA.

PRAYER FOR RELIEF FOR AN ORDER ALLOWING SPECIAL PROCESS SERVER

Plaintiff seeks an Order, pursuant to Rule 4(c) of the Federal Rules of Civil Procedure, appointing Jeremiah Hall, or any other partner, associate, paralegal or agent of Thomson, Rhodes & Cowie, P.C., to serve the Verified Complaint, Process of Maritime Attachment and Garnishment, Interrogatories or other process, including any amended pleadings filed in this action upon the garnishee US STEEL CORPORATION who, based upon information and belief may hold assets of, for or on account of the Defendant Navig8.

5. Plaintiffs seek this Order to serve the Process of Maritime Attachment and Garnishment with deliberate speed in order to fully protect itself against the potential of being unable to satisfy any judgment or award obtained by Plaintiffs against Defendant.

6. To the extent that Plaintiffs' Application for an Order appointing a special process server does not involve the restraint of physical property, service does not need to be effected by the Marshal's Office. Service sought to be carried out by Plaintiffs is the delivery of the Process of Maritime Attachment and Garnishment to the garnishee identified in the writ.

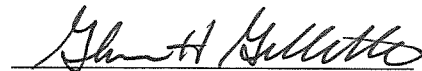
PRAYER FOR RELIEF TO SERVE LATER IDENTIFIED GARNISHEES

7. Plaintiffs further request that this Court grant them leave to serve any additional garnishee(s) who may, upon information and belief, obtained in the course of this litigation, be holding or believed to be holding, property of the Defendant, within this District. Obtaining leave of Court at this time to serve any later identified garnishee(s) will allow for prompt service of the Writ of Maritime Attachment and Garnishment without the need to present to the Court amended Process to add future identified garnishee(s).

PRAYER FOR RELIEF TO DEEM SERVICE CONTINUOUS

8. Plaintiff also respectfully requests that the Court grant it leave, as set out in the accompanying Ex Parte Order for Process of Maritime Attachment, for any process that is served on a garnishee to be deemed effective and continuous service of process throughout any given day on which process is served through the next day, provided that process is served the next day, to authorize service of process via facsimile or e-mail following initial in personam service.

Dated: June 15, 2016
Pittsburgh, PA



Sworn and subscribed to before me
this 15 day of June 2016.


Notary Public

